

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:	: Confirmation No.: 9408
Janssen, et al.	:
	: Group Art Unit:
Application No.:	: 2153
10/040,149	:
	: Examiner: Scuderi, Phillip S.
Filed: January 2, 2002	:
	: Attorney Docket No.:
For: SERVER-BASED COMPUTING ENVIRONMENT	: DVME-1018US

**PRE-APPEAL BRIEF REQUEST FOR REVIEW AND ARGUMENTS IN SUPPORT  
THEREOF**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reasons stated below.

**ARGUMENT IN SUPPORT OF CLEAR ERROR BY THE EXAMINER**

Claims 1-10 and 18-19 are pending in the present application and currently stand rejected.

**1. The Rejection under 35 U.S.C. § 102(b)**

Claims 1-2, 7-10 and 18-19 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,613,090 to Willems (hereinafter "Willems"). This rejection is clearly in error and should be withdrawn for the reasons which follow.

The present invention relates to a server-based computing system, including at least one server (1) and at least one client computer (5), connected to the server (1) through a network (2). The server (1) includes means for providing the client computer (5) with a user interface and means for running the application. The system also includes means for controlling the locally run applications through the user interface provided by the server (1), and is configured to enable the server (1) to control the display on a screen of the display device (7) of a screen area having contents generated locally on the client computer.

Willems discloses a personal computer in a computer network which is capable of seamlessly running disparate graphical user interfaces (GUIs) without requiring extraneous system resources. See col. 1, lines 9-13 of Willems. In particular, Willems discloses running Microsoft Windows® and X-Windows® applications simultaneously. Willems discloses the provision of a consistent and uniform user interface when a client runs applications under two different operating systems with the Microsoft Windows® application running locally and the X-Windows® application running on a server.

The Examiner relies on column 13, line 59 to column 14, line 13 of Willems for the teaching that,

“...the system comprises means for controlling the locally run applications through the user interface provided by the server, and is configured to enable the server to control the display on a screen of the display device of a screen area having contents generated locally on the client computer.” See Final Rejection page 3, lines 7-10.

However, this is not a correct statement of the teachings of Willems at col. 13, line 59 to col. 14, line 13. More specifically, Willems teaches that all windows are under the control of the Microsoft window manager 100. See col. 13, lines 59-63 of Willems. Willems then states that,

By allowing the “MICROSOFT WINDOWS” manager 100 to control the “X WINDOWS” applications 18, 20 and 22, all window management is local, which reduces... network traffic.” See col. 13, line 67 to col. 14, line 4 of Willems.

Thus, Willems discloses that all window management is local. The present claims require that the display on the display device is provided and controlled by the server and therefore is not local. Thus, it is clear from this that Willems does not anticipate this element of any of the claims of the present application.

The Examiner additionally takes the position at page 2, lines 8-9 of the Final Rejection that,

“Willems also teaches that the windows manager can be run remotely on the server (column 13, lines 41-44).”

The portion of Willems referred to by the Examiner reads as follows:

“In a pure ‘X WINDOWS’ environment, the manipulation of windows on the screen and much of the user interface is provided by a window manager client. The window manager client (which can run either locally or remotely) is an ‘X WINDOWS’ application that controls the look and feel of the ‘X WINDOWS’ application, as shown in Fig. 8.”

Important to note here is that this paragraph of Willems refers to Figure 8, which depicts a prior art X Windows application. See col. 3, lines 14-15 of Willems. The remainder of the Examiner’s rejection, however, relies on the system of Willems depicted in Figure 9, which illustrates using a CPQ

server according to the invention of Willems. See col. 3, lines 16-17 of Willems. This is clear from the fact that the passage at col. 13, line 59 to col. 14, line 13 refers to the embodiment of Figure 9 at col. 14, lines 4-5 of Willems.

Since the Examiner relies on the CPQ server according to the invention of Willems shown in Fig. 9 for all aspects of the rejection, which requires that all windows management is local, the Examiner has made a clear error in trying to combine a possible feature from the prior art embodiment of Fig. 8 with the embodiment of Fig. 9. Willems does not teach that the embodiments of Figs. 8 and 9 can be combined nor does Willems teach that any aspect of the embodiment of Fig. 8 can be combined with the embodiment of Fig. 9.

Moreover, it is not correct for the Examiner to combine one isolated aspect of the prior art embodiment of Fig. 8 of Willems (i.e. the mere possibility that window management could be run remotely in the prior art X WINDOWS application of Fig. 8) with the embodiment of Fig. 9 of the invention of Willems to support the rejection because Willems contains a clear disclosure at col. 14, line 2 that all window management in the CPQ server of Fig. 9 is local. Thus, the Examiner's proposed combination of the embodiments of Figs. 8-9 would require a skilled person to disregard the clear teaching at col. 14, line 2 of Willems that all window management in the CPQ server is local. In addition, such a combination would directly contradict the primary stated goal of Willems which is to reduce network traffic since remote window management would increase network traffic, as discussed in greater detail below in reference to the rejection under 35 U.S.C. §103(a). Favorable consideration and withdrawal of the rejection under 35 U.S.C. §102(b) is requested.

## **2. The Rejection under 35 U.S.C. §103(a)**

Claims 3-6 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Willems. This rejection is traversed and reconsideration is requested for the reasons which follow.

As discussed above with respect to the rejection under 35 U.S.C. §102(b), Willems discloses that all window management is local. The present claims require that the display on the display device is provided and controlled by the server. Thus, it is clear from this that Willems does not anticipate any of the claims of the present application.

Moreover, it would not be obvious to modify the system of Willems in order to arrive at the present invention since it is the goal of Willems to reduce network traffic. See col. 13, line 67 to col. 14, line 4 of Willems and the Field of the Invention at col. 1, lines 9-13 of Willems, which states that, "The present invention is related to... a personal computer network which is capable of seamlessly

running disparate GUIs [graphical user interfaces] and their applications without requiring extraneous system resources." (emphasis added). Thus, the primary goal of Willems is to reduce network traffic by providing a system that does not require extraneous system resources. Accordingly, a skilled person would not modify Willems to arrive at the present invention since such a modification would require that control of locally managed user displays be diverted to the server, thereby increasing network traffic and requiring extraneous system resources. In other words, modification of Willems to arrive at the system of the present invention would directly contradict the stated goal of the Willems reference by increasing the use of system resources by increasing network traffic for the purpose of running window management remotely. Therefore, a skilled person would not consider such a modification.

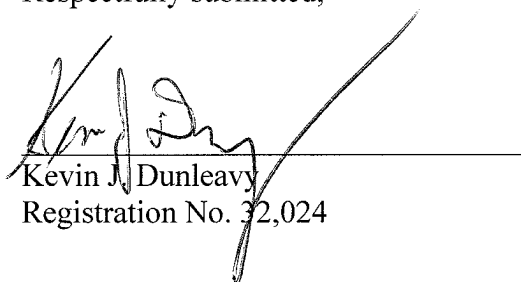
Thus, it is clear that it would not be obvious to a skilled person to modify the system of Figure 9 of Willems to run the windows management remotely as would be required to arrive at the subject matter of each of the claims of the present application. Accordingly, favorable consideration and withdrawal of the rejection of claims 3-6 under 35 U.S.C. §103(a) over Willems is requested.

### 3. Conclusion

The Applicant considers that this application is in condition for allowance. Favorable consideration and issuance of a Notice of Allowance are requested.

Respectfully submitted,

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